

Remarks

The Examiner has submitted that

"Applicant argues that Mochida in view of Nakamura does not disclose a "software program". However, it is noted that The IEEE Standard Dictionary of Electrical and Electronics Terms, Sixth Edition defines "software" on page 1106 to be "Computer programs, procedures, and associated documentation and data pertaining to the operation of a computer system". The examiner notes that the circuit data of Nakamura meets at the very least the "data" section of this definition and further submits that it would meet the "procedures" section since the data describes the image processing procedure which is performed by the configurable device once configured."

(Official Action, 5/29/08, p. 2) Applicant respectfully disagrees with the Examiner's application of this definition the term "software program."

For example, the Examiner only provided a definition for the term "software" not "software program" as recited in the claims. Even under the definition provided by the Examiner, the IEEE definition differentiates "computer programs" from "documentation and data." Furthermore, Applicant submits that the definition of "software program" is the following:

"software program - (computer science) written programs or procedures or rules and associated documentation pertaining to the operation of a computer system and that are stored in read/write memory."

(Definition from Thefreedictionary, attached at A, www.thefreedictionary.com) Accordingly, Applicant respectfully requests the Examiner to reconsider his position with respect to Mochida et al. in view of Nakamura as, even if the combination meets the "data" section as submitted by the Examiner, it does not meet the limitation of a software program (e.g. IEEE "computer program" definition) as recited in all of the pending claims.

Claims 1 and 17 recite a "detachable configurable component including a processor" and "a software program . . . overwriting an existing software program on said

processor, said processor configuring said detachable configurable component for processing the image data.” Claim 22 recites “a detachable configurable component comprising a processor” and “a software program executing on said processor and overwriting an existing software program on said processor, said processor configuring said detachable configurable component in said camera control unit to process the image data.”

It is the Examiner’s burden to establish prima facie obviousness. See *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). Obviousness requires a suggestion of all the elements in a claim (*CFMT, Inc. v. Yieldup Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385 (2007). Here, we find that the Examiner has not identified all the elements of all the claims (e.g. “a software program executing on said processor”), nor provided a reason that would have prompted the skilled worker to have arranged them in the manner necessary to reach the claimed invention, in fact the cited references teach away from the suggested modification. For example, Mochida et al. cannot be modified to include the above-listed limitations because it teaches that “[w]hen an address assigned to the identification signal generation unit 75 is designated, the identification signal generation unit 75 transmits an identification signal to the control unit on the main substrate 7 over an identification signal line 76. The control unit 44 identifies the connected expansion substrates and detects the number of connected expansion substrates, and controls the expansion substrates according to the results of the identification and detection.” (Par. 156) (emphasis added) Accordingly, if one were to try to move the control unit 44 onto an expansion substrate, it is questionable whether or not the system would have means of communicating addresses. In any event, even if communication were possible, if the particular expansion substrate with the control unit relocated thereon was removed, the system would not function with the remaining expansion substrates. See, MPEP 2143.01; *In re Gordon*,

733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984) (if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.) Applicant respectfully submits that in the present case, if one were to relocate the control unit 44 to one of the expansion substrates, the system would not have the flexibility to freely add and remove expansion substrates. Alternatively, to it is questionable whether providing a control unit 44 on *every* expansion substrate would work as multiple control units would create confusion, and, in any event, would greatly increase the cost and complexity of the system.

Accordingly, because neither Mochida et al. nor Nakamura et al. teach or disclose a camera control unit having a detachable configurable comprising a processor, and that the processor receives a software program and overwriting an existing software program on said processor, where the processor configures the detachable configurable component for processing the image data, neither reference can render the pending claims obvious. In addition, because Mochida et al. actually teaches away from modification according to the presently pending claims, such a modification cannot be considered obvious.

With regard to the Steinburg et al. reference, the Examiner has stated that “the claim as written does not require that the detachable configurable device be physically inside the control unit.” (Official Action, 5/29/08 p. 3) Applicant notes, however, that claim 22 recites “said detachable configurable component is completely removable from said camera control unit such that a different detachable configurable component is installable in said camera control unit.” Applicant therefore disagrees with the Examiner’s statement above.

The Examiner next stated that “the claim does not define that the camera is in simultaneous communication with both the detachable configurable device and the camera control unit.” (*Id.*) Applicant again disagrees with the Examiner. For example,

claim 22 states "said processor configuring said detachable configurable component in said camera control unit to process the image data." First, the detachable configurable component is "in said camera control unit." Second, if the detachable configurable component is not located in the camera control unit, then the camera control unit could not process image data as recited. It is well settled that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984). In the present case, Applicant respectfully submits that it is clear that the combination of references would not result in a functioning device.

The Examiner next states that "the detachable device 10 can be considered to be part of the camera control unit system (i.e. since the device 10 is part of the control unit system, communicating with the device 10 would be the same as communicating with a portion of the control unit system)." (*Id.*) Applicant strongly disagrees with the Examiner's statement. The communication device 10 (which the Examiner has equated to the detachable configurable component) is **NOT** the camera control unit nor does it provide the claimed functionality. Steinberg et al. describes that the "primary function of the communication device 10 is to perform the necessary operations required to receive data from the camera 12 and then to send the data to the remote destination 18 by way of a selected communication media indicated by network 16." (col. 4, lns. 42-46) Accordingly, "communication device 10" is provided for facilitating movement of data from the camera to a destination, whereas, the detachable configurable component in the camera control unit is used "to process the image data" as recited in claim 22. Simply receiving data is not the same as processing the image data as indicated in the written specification, which differentiated the two stating that the "camera control unit ("CCU") 20" is provided "for receiving and processing image data." (par. 31; see also, pars. 37-38 & 43) The specification further differentiates receiving from processing stating that "hardware component 82 then receives and processes the image data 32 transmitted

from camera head 12 into a usable format for viewing, which includes viewing on a display 49." (par. 33; see also, par. 39-40) Accordingly, "communication device 10" is not provided to process image data received from the camera nor is there any teaching to modify it to do so.

Applicant further notes that there is no teaching to locate communication device 10 "in said camera control unit" so that it is "removable from said camera control unit" as recited in claim 22. The communication device 10 is not a device that is removable from PC 14, nor do these two devices ever even work together to control the camera. In fact, they cannot be coupled to the camera to function together.

Accordingly, Applicant respectfully submits that because Steinberg et al. fails to teach all of the claim limitations of claim 22, it cannot render claim 22 obvious.

It is respectfully submitted that claims 1-4, 6 and 8-24, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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Exhibit A



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Noun 1. software program - (computer science) written programs or procedures or rules and associated documentation pertaining to the operation of a computer system and that are stored in read/write memory; "the market for software is expected to expand"



computer software, software, software package, software system, package

computer science, computing - the branch of engineering science that studies (with the aid of computers) computable processes and structures
computer code, code - (computer science) the symbolic arrangement of data or instructions in a computer program or the set of such instructions
alpha software - a first release of a software product that is usually tested only by the developers

authoring language - software that can be used to develop interactive computer programs without the technically demanding task of computer programming

beta software - software that has not yet been released but has received an alpha test and still has more bugs than a regular release; "beta software is usually available only to particular users who will test it"

compatible software - software that can run on different computers without modification

compatible software - application software programs that share common conventions so they can be utilized together

computer-aided design, CAD - software used in art and architecture and engineering and manufacturing to assist in precision drawing

freeware - software that is provided without charge

groupware - software that can be used by a group of people who are working on the same information but may be distributed in space

operating system, OS - (computer science) software that controls the execution of computer programs and may provide various services

computer program, computer programme, programme, program - (computer science) a sequence of instructions that a computer can interpret and execute; "the program required several hundred lines of code"

subprogram, subroutine, procedure, routine, function - a set sequence of steps, part of larger computer program

shareware - software that is available free of charge; may be distributed for evaluation with a fee requested for additional features or a manual etc.

shrink-wrapped software - software on CD-ROMs that are boxed and shrink-wrapped and sold in stores (implying a widely supported standard platform)

spyware - computer software that obtains information from a user's

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 supervisory software - specialized programs that reside permanently in the computer's main memory and control the processing of user's programs
 software documentation, documentation - program listings or technical manuals describing the operation and use of programs
 database management system, DBMS - a software system that facilitates the creation and maintenance and use of an electronic database
 upgrade - software that provides better performance than an earlier version did

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